

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ACLU OF TENNESSEE, INC.,)	
)	
Intervening Plaintiff,)	
)	Case No. 2:17-cv-2120-JPM-egb
v.)	
)	
CITY OF MEMPHIS, TENNESSEE,)	
)	
Defendant.)	

ORDER FOLLOWING CONFERENCE

This matter was before the Court for a conference on April 23, 2019. Present for the Intervening Plaintiff ACLU of Tennessee, Inc. (“ACLU-TN”) were Thomas Hauser Castelli and Amanda Strickland Floyd. Present for the Defendant City of Memphis (the “City”) were Buckner Wellford, R. Mark Glover, Jennie Vee Silk and Mary Wu Tullis. Also present was the Independent Monitor, Edward L. Stanton III. The Court heard testimony regarding the Independent Monitor’s work thus far from the following members of the monitoring team: Theron Bowman, Rachel-Levison Waldman, John C. Henegan, David McGriff, and Jim Letten.

All members of the monitoring team expressed that the City had been cooperative thus far in making information and personnel available. The Monitor reported, however, that a meeting with Lieutenant Colonel David Rudolph, who oversees the Memphis Police Department Training Academy, has yet to take place. Theron Bowman testified as to his preliminary assessment that the Memphis Police Department is relatively well-situated to comply with the *Kendrick* Consent Decree and appears to lack the structural problems that have slowed compliance with consent decrees in other police departments elsewhere in the country. Rachel

Levinson-Waldman opined that policies that limit the police's ability to use social media have an important role in protecting First Amendment activities and explained her current understanding of proposed and existing policies at the federal level. Levinson-Waldman also stated that auditing and compliance procedures would be important in assuring compliance with the Consent Decree. John Henegan testified that he had reviewed the City's policies and training materials for compliance with the First Amendment and with relevant federal, state, and local law. David McGriff testified that he would be involved with the formulation of an auditing and compliance program under the Consent Decree. Jim Letten offered his understanding of the status of compliance with the Consent Decree generally.

By May 7, 2019, the Independent Monitor shall submit a list of goals to be accomplished within ninety days of the entry of this Order. These goals should include: the finalization of Memphis Police Department policy documents and training materials by the parties, the proposal of an auditing and compliance program, and the creation of a robust process for the approval of investigations that may incidentally result in the collection of First Amendment information. The Monitor shall report the parties' progress towards the accomplishment of established goals in his second quarterly report, to be filed no later than July 24, 2019. The parties and the independent monitor shall confer and submit by May 7, 2019 three possible dates for a second hearing in August. The parties and the independent monitor shall make a joint submission by May 23, 2019 of a plan for soliciting public input as to the City's efforts to comply with the decree.

SO ORDERED, this 23rd day of April, 2019.

/s/ Jon McCalla
JON P. McCALLA
UNITED STATES DISTRICT JUDGE